



Appeal Decision

Site visit made on 12 December 2023

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2024

Appeal Ref: APP/G2245/W/23/3320906

Longwood, Carters Hill, Underriver, Kent TN15 0SN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ella and Joe Williams against the decision of Sevenoaks District Council.
 - The application Ref 22/01480/FUL, dated 24 May 2022, was refused by notice dated 25 October 2022.
 - The development proposed is replacement dwelling and associated landscaping; demolition of existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for replacement dwelling and associated landscaping; demolition of existing dwelling, at Longwood, Carters Hill, Underriver, Kent TN15 0SN, in accordance with application Ref 22/01480/FUL, dated 24 May 2022, and the information submitted with the application, and subject to the conditions appended to this decision.

Procedural Matters

2. The appeal property is in the Kent Downs Area of Outstanding Natural Beauty (AONB). On the 22 November 2023, all designated AONBs in England and Wales became National Landscapes. Accordingly, this AONB is referred to as a National Landscape in this appeal decision. Local and national policies relevant to AONBs, now known as National Landscapes, has not changed since the Council's original decision.
3. The appellant has submitted a plan in this appeal that did not form the basis of the Council's decision. The proposed changes on the revised plan are limited to the southern elevation of the dwelling. Moreover, the shape, height and footprint of the dwelling would match that originally proposed. The proposed amendments would not therefore result in a substantially different development in this regard.
4. The revisions on the southern elevation appear largely limited to the stone coverage on the columns that flank the windows, and louvres covering the central upper floor glazing. The original design included similar design detail and materials such that the revisions do not amount to a fundamentally different scheme to that which was originally considered. Indeed, these revisions could reasonably be secured by condition. In light of the above, I find that considering the revised plan in this appeal would not prejudice the interests of relevant parties in this case.

Main Issues

5. The main issues in this appeal are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy and any relevant development plan policies;
- The effect of the proposal on the openness of the Green Belt;
- Whether the proposal would conserve or enhance the landscape and scenic beauty of the National Landscape; and
- The effect of the proposal on biodiversity in the area.

Reasons

6. The National Planning Policy Framework - December 2023 (the Framework) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework requires that substantial weight is given to any harm to the Green Belt.

Whether Inappropriate Development

7. The construction of new buildings is inappropriate in the Green Belt. However, paragraphs 154 and 155 of the Framework identifies exceptions, which include, the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building, and the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
8. The Green Belt Policies of the Sevenoaks District Council – Allocations and Development Management Plan (Allocations and Development Management Plan) predate the current revision of the Framework. Policy GB4 guides replacement dwellings subject to criteria, which includes, amongst other matters, that the design and volume proposed does not materially harm the openness of the Green Belt, and that there is clear evidence that the total floorspace of the replacement dwelling would not result in an increase of more than 50% above the floorspace of the original dwelling. As such this Policy differs somewhat from the current provisions of the Framework.
9. The Glossary of the Framework does not define 'disproportionate additions.' However, Policy GB1 states, in relation to this matter and subject to other criteria, that the total floorspace of the proposal, together with any previous extensions, alterations and outbuildings should not result in an increase of more than 50% above the floorspace of the "original" dwelling. This is also reflected in the Supplementary Planning Document: Development in the Green Belt (SPD), although this guidance cautions that an addition may be considered 'disproportionate' due to unacceptable design even where it is below a 50% increase.
10. The proposed dwelling would be the same use as the building it would replace. The Design and Access Statement (DAS) states that the proposed replacement dwelling would be 16% larger than the existing building. The DAS shows that the gross external area (GEA) of the proposed dwelling would be less than 40% larger than the GEA of the original dwelling. The DAS also indicates that the volumetric increase would be less than 40% of the original building. The

Council has questioned the floorspace of the original dwelling, however, no compelling evidence has been advanced to dispute the appellants assertions on this matter.

11. The evidence shows that this proposal would not appear to considerably extend development beyond the original developed footprint at the property or the footprint of the existing dwelling. Nor would the new built form appear considerably bulkier than the original sizeable dwelling. As such, while the proposed dwelling would increase the floorspace, the proposal would replace one original large building with another large building of the same use. For this reason, having regard to the definition in the development plan, the proposal would generally satisfy the criteria for a replacement dwelling, subject to the consideration of its impact on openness.
12. This proposal also includes a garage which would be a new building at the appeal property. Policy GB3 of the Allocations and Development Management Plan states that outbuildings located more than 5m from the existing dwelling will be permitted where the building, including the cumulative impact of other outbuildings and extension within the curtilage of the dwelling, would be ancillary to the main dwelling in terms of function and design and would not materially harm the openness of the Green Belt through excessive bulk or visual intrusion.
13. The proposed garage in this case would be sensitive to the design of the dwelling, it would be the only garage at the property, and would be located reasonably close to the dwelling. With these factors the garage would appear as a normal domestic adjunct to the dwelling at this property.
14. Indeed, even if considered as an extension, the proposed garage would be a modestly sized single storey structure, such that when added to the other extensions to the original building, and including the additional floorspace which would arise as a result of the replacement dwelling, the overall increased floorspace at the property would still be less than 50% over that of the original building.
15. Consequently, I find that this proposed extension would not result in a disproportionate addition over and above the size of the original building.

Openness

16. While the exceptions set out in the Framework, cited above, do not require the consideration of openness, this consideration is included in the criteria set out in Green Belt Policies of the Allocations and Development Management Plan.
17. The proposed dwelling would be in a similar position and would generally fill the space where the original and now extended dwelling is located. Similar to the existing dwelling, the proposed dwelling would only be two storeys in part. Moreover, the proposed dwelling would only be marginally higher than the original building and the building that it would replace. Also, the proposed change in orientation and the proposed sloping roof would slightly improve the sense of space at the sides of the new dwelling, over that which was originally permitted and that which is currently evident with the existing built form at the property.
18. As already stated, the proposed garage would be modest in size. The garage would be confined to the northerly corner of the plot which is largely enclosed

by mature vegetation. It would also be largely screened from the existing open areas of the appeal property by the new dwelling. As such, while the garage would result in a spatial and visual change, this would be slight, and the impact on the existing sense of openness in the appeal plot would be negligible.

19. I therefore find that openness in this part of the Green Belt would not be harmed in this case.

Conclusion on Inappropriate Development

20. In light of the above, I conclude on this matter that the proposal would not be inappropriate development in the Green Belt and would preserve the openness of this part of the Green Belt. In these regards the proposal would accord with Policies GB3 and GB4 of the Allocations and Development Management Plan and provisions of the Framework.

Landscape

21. The appeal property is a large, detached, dwelling in a sizeable plot. It is one of a few properties on this south facing, wooded scarp. This scarp provides distant views to the south over undulating landform and surrounding, sparsely settled landscape. The landform, woodlands and sparse development are some of the significant features that contribute to the relative tranquillity and scenic beauty of the Sevenoaks East Chart character area of this National Landscape.
22. This limited development also ensures dark skies at night-time which are valued in this landscape. Indeed, the evidence presented identifies that this area benefits from relatively dark skies with an outlook over the darkest night-time skies.
23. Although high up the scarp, the site is substantially screened by mature trees and vegetation. The existing dwelling is positioned at the highest section of the plot, with the extensive grounds falling away to the south of the dwelling. Despite the mature vegetation, given this topography, the dwelling provides extensive views over the Weald landscape to the south.
24. Images submitted, show that lighting from this existing property and other dwellings in this area is clearly visible from surrounding viewpoints during the night-time. This existing light spillage appears stark in this sparsely developed area and encroaches into the relatively tranquil dark skies in this National Landscape.
25. The existing dwelling is two storeys in part. However, this two-storey section has windows of a traditional scale and is near the eastern boundary where it is significantly screened from the wider landscape by trees. Much of the remaining southern elevation is covered by wall to ceiling glazing. The evidence suggests that there is currently no controls on internal or external lighting and that the existing glazing is unlikely to comply with lighting guidance.¹ This may be so, but the existing glazing is generally limited to the ground floor.
26. The proposed dwelling would be two-storey in the central section, and with the exception of a few columns and louvres, the southern elevation would comprise an expanse of glazing. This would result in a significant increase of glazing at the upper floor level than currently exists at the property.

¹ Lighting Technical Report.

27. The glazing would be recessed and would meet lighting guidance requirements. The Landscape and Visual Assessment concludes that the mitigation measures incorporated would serve to minimise any adverse effects associated with glazing. The Assessment also highlights harm would only be visible from limited public vantage points. Be this as it may, the large windows at an upper floor level as shown on the original plans, would increase the potential for obtrusive light spill at this property and this would harmfully erode the existing quality of dark skies in this area.
28. A condition controlling internal lighting or blinds in the proposed dwelling is unlikely to satisfy the test for conditions as set out in the Framework and Planning Practice Guidance (PPG). However, the revised plan incorporates additional external louvres on the southern elevation of the proposed dwelling.
29. These additional louvres would match the design of the originally proposed louvres on this elevation, and in this regard the originally proposed design aesthetic of the dwelling would be retained. The additional louvres would cover a significant additional expanse of glazing, in the central section of the dwelling, at the upper floor level. While, the louvres may have gaps, these appear as small slits and this would considerably limit the potential for light spill at this part of the replacement dwelling.
30. Using louvres in this central section of the southern elevation would significantly reduce the amount of originally proposed exposed glazing at the upper floor of the dwelling. Moreover, with this covered section, the proposal would not result in a substantial increase in exposed glazing, which would have the potential to allow harmful light emissions, over and above that which already exists at the property. In turn the light spill from internal sources at the proposed dwelling would likely not be considerably different from current levels of light emitted from the existing dwelling at this aspect.
31. The existing dwelling is brick-built with limited architectural interest. The proposed dwelling would have a sleek, simple form with a copper roof. When account is also given to the stone columns and metal louvres, the proposed design would result in a built form that offers more visual interest than is currently evident at the property. With these features the design would appear of a high quality.
32. Also, the new dwelling would be slightly larger and there would be a new garage, but the increase of built form at the plot would be modest and much of the plot would remain as garden. This would be consistent with the prevailing character, where large, detached properties, set in extensive grounds, is not an uncommon feature in this sparsely developed area.
33. Furthermore, the appellant proposes an external lighting scheme which would be reasonable given the sensitivity of the setting, and this is a matter which could be secured by condition. This benefit, along with the proposed screened glazing, would ensure that the proposal would conserve the tranquillity and special qualities of this landscape.
34. In light of the above, I find, under the revised scheme with additional louvres on the southern elevation, that the proposal would conserve the landscape and scenic beauty of the National Landscape. In this regard, the proposal would be consistent with Policies L01 and L08 of the Sevenoaks District Council Local Development Framework Core Strategy (Core Strategy), and Policies EN1 and

EN5 of the Allocations and Development Management Plan. These Policies collectively seek high quality design and require that development will only take place where it is compatible with policies for protecting, amongst other things, Kent Downs Area of Outstanding Natural Beauty.

35. The proposal would also be consistent with guidance set out in the Kent Downs Area of Outstanding Natural Beauty Management Plan and the Sevenoaks Landscape Character Assessment, which collectively seek, amongst other matters, to conserve and enhance the character of the landscape, to maintain the sparsely settled character and promotes the use of distinctive building materials.

Biodiversity

36. Ecology survey reports, submitted with this proposal, identify habitats in this plot as well as the protected species that are likely to be present. The reports also consider the potential impacts of the proposal on these habitats and species. Furthermore, the Arboriculture Reports assess the impact of the proposal on the large number of trees at the property, which are also identified as providing important habitats in the plot. In this regard the guidance requiring adequate information in respect of this matter at the application stage, set out in relevant Circulars, PPG and the Framework has been satisfied.
37. The County Ecology Advisory Service concluded it was satisfied that the ecology reports have fully considered the impact of the proposed dwelling on protected and notable species. Based on the evidence outlined above I find no reason to disagree with this conclusion.
38. The appeal plot is near a Site of Special Scientific Interest and there is ancient woodland adjacent to the southern boundary of the property. Habitats supporting protected species have also been identified in the southern corner of the plot and the property has several mature trees providing habitats for species such as bats.
39. A Landscaping Scheme is proposed, some of which would comprise engineering works, including areas of hardstanding. However, while there would be new pathways through the existing trees, the limited amount of hardstanding would be focused on the central area of the garden which is currently relatively open and comprises lawn. Moreover, with very limited hardstanding proposed, the existing large garden would remain generally undeveloped.
40. There would be a hardstanding in the south of the plot, but this would be small, would replace an area of grass and would be separated from the southern boundary by a substantial number of proposed trees. The number and type of trees have not been specified, but this is a matter that could reasonably be achieved by condition. Also, there is plenty of space for improved planting at this boundary. This space and improved planting would provide a good degree of separation between the neighbouring ancient woodland and the proposed seating area such that this feature could be accommodated without harm to surrounding habitats and species.
41. External lights would be installed to allow safe movement around the hard landscaping features and footpaths. However, a condition would provide certainty that an acceptable external lighting strategy is secured, and this

would ensure the sensitive habitats at the boundary and in other areas of the property are protected.

42. Some trees would be removed from the site. However, these have been identified as being in poor condition. Moreover, this is a large plot and there is considerable space for replacement and enhanced planting and to allow the creation or enhancement of habitats in the property. Details of these measures could reasonably be agreed through condition, and I am satisfied for this reason that biodiversity net gain, as sought in local and national policy, could be achieved in this case.
43. Therefore, I find that the proposal would not have a harmful effect on biodiversity in the area. In this regard the proposal would accord with Policy SP11 of the Core Strategy. This Policy requires, amongst other matters, the biodiversity of the district will be conserved, and opportunities sought for enhancement to ensure no net loss of biodiversity.
44. The proposal would also be consistent with guidance in PPG, the Framework and the Biodiversity and Geological Conservation: Circular 06/2005 in respect of this matter.

Other Considerations

45. Concerns have been raised about the protection of trees at the access. However, a comprehensive tree management strategy has been submitted with this proposal. Subject to conditions, the valued trees would be protected during construction and through the life of the development.
46. The Council raised concerns that additional louvres may negatively impact living conditions at the dwelling. However, the proposed habitable room that would be affected by the additional louvres would be double height, and would have a large, uncovered ground floor opening which would allow a good amount of sun and daylight in this room. These matters have not altered my findings.

Conditions

47. According with plans and submitted information is necessary for certainty and to protect the character of the area and the scenic beauty of the landscape.
48. The approved plans and the Design and Access Statement specify materials to be used in external surfaces, which include copper and ragstone. It is necessary that the built forms are constructed in these materials for certainty and to protect the appearance of the area.
49. The additional louvres appear acceptable in design terms and would conserve the landscape quality for the reasons outlined above. It is therefore not necessary to submit further details about this feature. However, it is necessary to ensure the installation of the louvres in the interest of the landscape.
50. The submitted landscaping plans appear illustrative. Therefore, it is reasonable to confirm the details of planting and landscaping to provide certainty that benefits proposed both in appearance and biodiversity are achieved. As the development is largely concentrated on the existing developed part of the site, I find no clear justification for this to be a pre-commencement condition.

51. Requiring compliance with the Tree Protection Plan and Arboriculture Strategy is reasonable and necessary for certainty and to protect the character and biodiversity of this area. Approving ecology details is also necessary to ensure biodiversity conservation and enhancement on site, as sought by local and national policy.
52. It is reasonable and necessary to control external lighting at the appeal property to conserve the special qualities of the landscape and to protect species and habitats.
53. Conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. The Council has sought extensive restriction of these rights. However, these rights are subject to conditions and limitation, which in respect of extensions and incidental buildings are more stringent for properties in an AONB [National Landscape]. Accordingly, I find no convincing justification for removing rights in respect of porches, incidental buildings, extensions, and hard surfaces. However, additions to the roof could result in significant visual changes at a high level which could result in harmful impacts in this sensitive landscape. It is reasonable and necessary to remove these rights in this case.
54. Recently adopted Building Regulations require electrical vehicle charging points in new dwellings, and conditions should not duplicate matters covered by other regimes. However, this is a replacement dwelling and therefore a condition is necessary for certainty to support local and national policies which seek carbon reduction.
55. The Parish Council has requested a condition defining 'original building'. However, such a condition is not necessary to make the development acceptable in planning terms.
56. The rural roads present a challenge for construction traffic. However, conditions controlling lorry routes may be difficult to enforce, and this is a small development, and the disturbance during demolition and construction would be over a relatively short period. Moreover, properties are well spaced in this area, and this good degree of separation will ensure that disturbances are minimised. As such a construction management plan is unnecessary in this case.

Conclusion

57. For the reasons stated above and having regard to the development plan, the Framework and other material considerations, the appeal should be allowed.

A J Sutton

INSPECTOR

Appendix

Schedule of Conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Dwg. No. P001, Proposed Site Plan Dwg. No. P102 Rev A, Proposed Garage Plan Dwg. No. P108 Rev A, Proposed Garage Elevations Dwg. No. P109 Rev A, Proposed Ground Floor Plan Dwg. No. P105, Proposed First Floor Plan Dwg. No. P106, Proposed Roof Plan Dwg. No. P107, Proposed North Elevation Dwg. No. P110, Proposed South Elevation Dwg. No. P111 Rev A, Proposed East Elevation Dwg. No. P112, Proposed West Elevation Dwg. No. P113, Masterplan Dwg. No. 1029-MP-01-A, Masterplan Front and Rear Terraces Dwg. No. 1029-MP-02 -, Masterplan Rear 1029-MP-03-, Lighting Technical Report, Technical Note -Lighting and Longwood Design and Access Statement.
- 3) The dwelling and garage, hereby permitted, shall be constructed in the external materials and glazing specified in the Longwood Design and Access Statement and the following approved plans: Proposed Garage Plan Dwg. No. P108 Rev A, Proposed Garage Elevations Dwg. No. P109 Rev A, Proposed Ground Floor Plan Dwg. No. P105, Proposed First Floor Plan Dwg. No. P106, Proposed Roof Plan Dwg. No. P107, Proposed North Elevation Dwg. No. P110, Proposed South Elevation Dwg. No. P111 Rev A, Proposed East Elevation Dwg. No. P112, Proposed West Elevation Dwg. No. P113.
- 4) Louvres shall be installed on the southern elevation of the dwelling, hereby permitted, in accordance with drawing Proposed South Elevation Dwg. No. P111 Rev A, prior to the first occupation of the dwelling and shall thereafter be retained.
- 5) All tree works and tree protection measures shall be carried out in accordance with the Tree Protection Plan Ref: 21007-3 and Arboricultural Assessment and Method Statement Ref: 21007-AA2-CA and maintained as such for the duration of the development.
- 6) The development hereby permitted shall not progress beyond damp course level of the dwelling, until a landscaping plan shall be submitted to and approved by the Local Planning Authority. The landscaping plan shall include the following details:
 - a) confirming the before and after site land levels and section drawings;
 - b) soft plantings: including trees, grass and turf areas, shrub and herbaceous areas; their location, species (use of native species where possible) and size;
 - c) enclosures: including types, dimensions and treatments of walls, fences, pedestrian and vehicular gates, screen walls, barriers, rails, retaining walls and location, species and size of hedges;
 - d) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible paving, unit paving, steps, driveway and if applicable synthetic surfaces;
 - e) any other landscaping feature(s) forming part of the scheme;

- f) The location and extent of planting to act as a buffer to the Ancient, semi-natural, woodland; and
- g) a timetable for the proposed planting.

Landscaping shall be carried out in accordance with the approved scheme and the approved timetable.

If within a period of five years from this planting, any of the approved trees and soft landscaping die or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

- 7) No development shall be carried out above damp proof course level of the dwelling, hereby permitted, until a scheme detailing measures for the enhancement of biodiversity on the site, including bats and an ecological management plan for the site boundary to demonstrate connectivity from the local wildlife site to the wider area will be retained and managed, has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out prior to the first occupation of the dwelling and shall thereafter be retained.
- 8) The dwelling hereby permitted shall be provided with an electrical socket with suitable voltage and wiring for the safe charging of electric vehicles prior to the first occupation of the dwelling and shall thereafter be retained.
- 9) No external lighting shall be installed in the property or affixed to any building on the development hereby permitted unless details are first submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved scheme and shall thereafter be retained.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additions or alterations to the roof of the dwellinghouse hereby permitted, shall be carried out without prior approval of the Local Planning Authority.

End.